

# Officer History

**Officer Name:** Ramirez, Brian

**Tax ID:** 946143

**Sex:** M

**Shield:** 22014

**Race:** [REDACTED]

**Rank:** POM

**Command:** 073

**DOB:** [REDACTED]

**Appt Date:** 01/07/2008

**Age:** [REDACTED]

**Tenure:** 13

CCRB #	Report Date	Incident Date	Allegation	Disposition	NYPD Disposition	NYPD Penalty	Command
200906638	04/30/2009	04/24/2009	Force - Physical force	Unsubstantiated			073
	04/30/2009	04/24/2009	Abuse - Threat to damage/seize property	Unsubstantiated			073
	04/30/2009	04/24/2009	Discourtesy - Word	Unsubstantiated			073
	04/30/2009	04/24/2009	Abuse - Frisk	Unsubstantiated			073
201212460	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]			073
	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]			073
	09/25/2012	06/28/2012	Abuse - Threat of force (verbal or physical)	Unsubstantiated			073
	09/25/2012	06/28/2012	Abuse - Premises entered and/or searched	Unsubstantiated			073
201214416	11/23/2012	11/16/2012	OMN - Failure to produce stop and frisk report	Other Misconduct			073
	11/23/2012	11/16/2012	Discourtesy - Word	Unsubstantiated			073
	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]			073
	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]			073
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]			073
201602669	03/30/2016	03/13/2016	Abuse - Search (of person)	Unsubstantiated			073
	03/30/2016	03/13/2016	Abuse - Frisk	Unsubstantiated			073
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]			073
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]			073
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]			073
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]			073
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]			073
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]			073

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**Shield:** 22014

**Race:** [REDACTED]

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**Command:** 073

**DOB:** [REDACTED]

**Appt Date:** 01/07/2008

**Age:** [REDACTED]

**Tenure:** 13

CCRB #	Report Date	Incident Date	Allegation	Disposition	NYPD Disposition	NYPD Penalty	Command
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]			073
201909470	10/30/2019	10/21/2019	Discourtesy - Word				187
	10/30/2019	10/21/2019	Discourtesy - Word				187
	10/30/2019	10/21/2019	Discourtesy - Word				187
	10/30/2019	10/21/2019	Abuse - Refusal to provide shield number				187
	10/30/2019	10/21/2019	Abuse - Vehicle stop				187
	10/30/2019	10/21/2019	Abuse - Vehicle stop				187
	10/30/2019	10/21/2019	Discourtesy - Word				187
	10/30/2019	10/21/2019	Discourtesy - Word				187
	10/30/2019	10/21/2019	Discourtesy - Word				187
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]			073
202002419	03/30/2020	03/13/2020	Abuse - Search (of person)				073
	03/30/2020	03/13/2020	Abuse - Stop				073
	03/30/2020	03/13/2020	Abuse - Failure to provide RTKA card				073
202002456	04/01/2020	03/14/2020	Force - Gun Pointed				073
202003377	05/18/2020	05/18/2020	Abuse - Photography/Videography				073
	05/18/2020	05/18/2020	Abuse - Stop				073
	05/18/2020	05/18/2020	Abuse - Other				073
	05/18/2020	05/18/2020	Abuse - Threat of arrest				073

**Total Charges = 40**

**Total Cases = 12**

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Glenn Brown	Team: Team # 4	CCRB Case #: 201214416	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Fri, 11/16/2012 8:50 PM, Tue, 11/20/2012	Location of Incident: [REDACTED]	Precinct: 09	18 Mo. SOL 05/16/2014	EO SOL 5/16/2014	
Date/Time CV Reported	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Fri, 11/23/2012 10:35 AM		

Complainant/Victim	Type	Home Address
1. E [REDACTED] Z [REDACTED]	[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POM Brian Ramirez	22014	946143	073 PCT

Officer(s)	Allegation	Investigator Recommendation
A . POM Brian Ramirez	Discourtesy: PO Brian Ramirez spoke discourteously to E [REDACTED] Z [REDACTED]	A . Unsubstantiated
[REDACTED]	[REDACTED]	
[REDACTED]	[REDACTED]	
D . POM Brian Ramirez	Other: PO Brian Ramirez failed to prepare a stop and frisk report as required.	D . Other Misconduct

### Case Summary

On November 20, 2012, E [REDACTED] Z [REDACTED] filed this complaint via telephone with Sgt. E [REDACTED] D [REDACTED] of the 73<sup>rd</sup> Precinct who then forwarded it to the Internal Affairs Bureau. On November 23, 2012, the CCRB received this complaint via IAB log #12-60567. On November 16, 2012, at approximately 8:50 pm, Mr. Z [REDACTED] parked his car near the parked personal vehicle of PO Brian Ramirez in front of the [REDACTED] on the corner of [REDACTED] [REDACTED] and the following allegations occurred:

- **Allegation A) Discourtesy: PO Brian Ramirez spoke discourteously to E [REDACTED] Z [REDACTED]**

The investigation could not determine what kind of language PO Ramirez used when speaking to Mr. Z [REDACTED]. Therefore, it is recommended that **allegation A** be closed as **unsubstantiated**.

- **Allegation B) Abuse of Authority: PO Brian Ramirez stopped E [REDACTED] Z [REDACTED]**

- **Allegation C) Force: PO Brian Ramirez used physical force against E [REDACTED] Z [REDACTED]**

The investigation determined that PO Ramirez had the required reasonable suspicion to stop Mr. Z [REDACTED] and that the force he allegedly employed in doing so did not rise to the level of misconduct. Therefore, it is recommended that **allegations B and C** be closed as **exonerated**.

- **Allegation D) Other: PO Brian Ramirez failed to prepare a stop and frisk report as required.**

By not preparing a stop and frisk report regarding this incident, PO Ramirez was in violation of Patrol Guide Procedure 212-11. Therefore, it is recommended that **other misconduct** be noted.

At the time of Mr. Z [REDACTED] phone statement and at the conclusion of his in-person statement at the CCRB, Mr. Z [REDACTED] was offered to have his complaint mediated, but on both occasions Mr. Z [REDACTED] declined, stating that he never wanted to see PO Ramirez again and that he did not think mediation would change PO Ramirez's future behavior.

### Results of Investigation

#### Civilian Statement

[REDACTED]  
[REDACTED]  
[REDACTED]

#### **Phone Statement:** (encl. B3)

On January 8, 2013, Mr. Z [REDACTED] was contacted by the CCRB and he provided a phone statement that was consistent with his later in-person statement with the following exception. Mr. Z [REDACTED] estimated that over the course of his interaction with PO Ramirez, PO Ramirez told him, "You're full of shit," upwards of fifty times.

#### **CCRB Statement:** (encl. B4-7)

On January 22, 2013, Mr. Z [REDACTED] was interviewed at the CCRB and provided the following statement. On November 16, 2012 at approximately 8:50 pm at the intersection of [REDACTED] [REDACTED] [REDACTED] Mr. Z [REDACTED] backed his [REDACTED] into a parking space in front of the [REDACTED] to the [REDACTED] on the east side of the street. Within seconds of coming to a full stop, PO Brian Ramirez, described as a uniformed [REDACTED]



**NYPD Statement:**

**Subject Officer: PO BRIAN RAMIREZ**

■ [REDACTED]  
[REDACTED]  
■ [REDACTED]  
[REDACTED]  
[REDACTED]

**Memo book:** (encl. C1-4)

On November 16, 2012, PO Ramirez's memo book's fly pages noted that he observed E [REDACTED] M. Z [REDACTED] bump into a parked vehicle. PO Ramirez asked Mr. Z [REDACTED] if he hit a vehicle while PO Ramirez was standing in front of [REDACTED]. The memo book pages themselves go on to note that at 8:50 pm, Mr. Z [REDACTED] backed up into a parked vehicle. PO Ramirez asked Mr. Z [REDACTED] if he was drinking and Mr. Z [REDACTED] said, "[You] don't need to ask [me] that," and stated that he knows Chief E [REDACTED].

**CCRB Statement:** (encl. C5-7)

On March 25, 2013, PO Ramirez was interviewed at the CCRB and provided the following statement. On November 16, 2012, at approximately 8:50 pm, PO Ramirez was standing inside the vestibule of the [REDACTED] on the corner of [REDACTED] [REDACTED] when he observed Mr. Z [REDACTED] attempt to park on the eastern side of Broadway, directly in front of the movie theater. PO Ramirez stated that the vestibule was the area in between the two sets of glass doors that separate the movie theater's lobby from the sidewalk. Mr. Z [REDACTED] reversed his car into a parking space and hit PO Ramirez's personal vehicle that was parked directly behind the parking space Mr. Z [REDACTED] was attempting to take. PO Ramirez's vehicle is a [REDACTED], an SUV. Mr. Z [REDACTED] hit the front end of PO Ramirez's vehicle and chipped the vehicle's paint. There was nothing obstructing PO Ramirez's view of the impact between the two vehicles. The lights outside of the movie theater kept the incident location very well lit. PO Ramirez exited the movie theater and approached Mr. Z [REDACTED] and asked, "Did you just back up into a vehicle?" Mr. Z [REDACTED] told PO Ramirez that he had not. PO Ramirez did not say, "You're full of shit," but did say, "You don't need to be lying to me." Mr. Z [REDACTED] said, "Don't call me a liar." PO Ramirez informed Mr. Z [REDACTED] that it was his personal vehicle that he had hit. PO Ramirez smelled the odor of alcohol in Mr. Z [REDACTED] vehicle and he asked, "Have you been drinking?" Mr. Z [REDACTED] replied, "You don't need to ask me that. I know Chief E [REDACTED]." Mr. Z [REDACTED] went on to mention several other NYPD chiefs with whom he was familiar and who he claimed to be friends of his father. PO Ramirez thought that Mr. Z [REDACTED] disagreeableness was further indication that he had possibly be drinking alcohol. PO Ramirez also stated that Mr. Z [REDACTED] seemed as if he was in a hurry. PO Ramirez asked Mr. Z [REDACTED] "Is your family on the job?" and Mr. Z [REDACTED] said no.

PO Ramirez asked Mr. Z [REDACTED] for his information and Mr. Z [REDACTED] made a cellular telephone call. This telephone call gave Mr. Z [REDACTED] the pretense to ignore PO Ramirez's request for his identification. From this telephone call, PO Ramirez understood that Mr. Z [REDACTED] was planning on meeting friends at a bar across the street. While Mr. Z [REDACTED] was on the phone, PO Ramirez asked Mr. Z [REDACTED] for his information more than three times. PO Ramirez then asked Mr. Z [REDACTED] to step out of the vehicle approximately three times. The first time PO Ramirez asked, Mr. Z [REDACTED] simply ignored him. The second time he asked, Mr. Z [REDACTED] made a gesture that suggested to PO Ramirez that he should wait. After approximately ten minutes of PO Ramirez standing next to the driver's side of Mr. Z [REDACTED] vehicle and Mr. Z [REDACTED] sitting in the driver's seat, PO Ramirez opened the driver's side door of the vehicle for Mr. Z [REDACTED] requested for the third time that he get out of the



## Conclusion

### Identification of Subject Officers

Mr. Z████ identified PO Brian Ramirez by his name and shield number, which he observed on PO Ramirez's uniform at the conclusion of the incident. Upon being interviewed at the CCRB, PO Ramirez acknowledged his involvement in the incident.

### Investigative Findings and Recommendations

- **Allegation A) Discourtesy: PO Brian Ramirez spoke discourteously to E████ Z████**

Mr. Z████ alleged that PO Ramirez told him that he was “full of shit,” approximately 15-20 times over the duration of the incident. PO Ramirez, on the other hand, denied using any profanity, though he did allow that he told Mr. Z████ “You don’t need to be lying to me.” So though the two men agree about the substance of their conversation – that PO Ramirez told Mr. Z████ he was being untruthful – without any third-party witnesses or documentary evidence, the investigation was not able to reach a conclusive determination about whether or not PO Ramirez used any profane language. Therefore it is recommended that **allegation A** be closed as **unsubstantiated**.

- **Allegation B) Abuse of Authority: PO Brian Ramirez stopped E████ Z████**

- **Allegation C) Force: PO Brian Ramirez used physical force against E████ Z████**

It is undisputed that PO Ramirez stopped Mr. Z████ after he parked his car in front of the movie theater. What is in dispute, though, is whether PO Ramirez had the reasonable suspicion required by Patrol Guide Procedure 212-11 (encl. i-iii) that Mr. Z████ had just committed a crime and that PO Ramirez employed the Patrol Guide mandated minimum force necessary in effecting the stop.

PO Ramirez stated that he had an unobstructed and well-lit view of Mr. Z████ car as it made contact with his personal vehicle, and a motor vehicle accident is potentially indicative of criminal activity. Mr. Z████ for his part, stated unequivocally that he had not hit PO Ramirez's vehicle. Though there is not any documentary evidence of this alleged impact (Mr. Z████ deleted his photographs of the vehicles and PO Ramirez did not make any repairs to his vehicle), PO Ramirez clearly suspected that Mr. Z████ driving was reckless.

Once PO Ramirez resolved to stop Mr. Z████ Patrol Guide Procedure 203-11 (encl. iv-v) allows that PO Ramirez can employ the minimum force necessary in effecting that stop. Mr. Z████ alleged that PO Ramirez grabbed him by the left jacket-sleeve and pulled him out of his car. In PO Ramirez's version of events, he told Mr. Z████ to exit his vehicle three times over the course of ten minutes. Mr. Z████ did not comply with his first two commands and once PO Ramirez opened Mr. Z████ door for him, Mr. Z████ got out of the vehicle. PO Ramirez acknowledged touching Mr. Z████ briefly on the chest with his extended palm as a way of keeping a safe distance between him and Mr. Z████ but he did not recall pulling Mr. Z████ out of the vehicle. Though there is dispute about the timing and manner in which Mr. Z████ exited his vehicle, both statements regarding Mr. Z████ exit from the vehicle are not in violation of the Patrol Guide. Certainly, PO Ramirez's account, in which he barely touched Mr. Z████ at all, does not constitute excessive force. And Mr. Z████ account, in which he was pulled from his vehicle by his jacket sleeve after just one request that he exit the vehicle, also does not constitute excessive force because, as has already been established, PO Ramirez had the reasonable suspicion to stop Mr. Z████ and, thus, had reason enough to deploy the modicum of force alleged by Mr. Z████ to see to it that Mr. Z████ was no longer in a position



to commit any further potential violations of the Vehicle and Traffic Law. Because PO Ramirez had the reasonable suspicion required to effect the stop of Mr. Z [REDACTED] and because the force he allegedly employed to do so does not rise to the level of misconduct, it is recommended that **allegations B and C** be closed as **exonerated**.

- **Allegation D) Other: PO Brian Ramirez failed to prepare a stop and frisk as required.**  
Patrol Guide Procedure 212-11 requires that officers who are in a stop and frisk situation are required to prepare UF250 for each person stopped (encl. i-iii). By his own account, PO Ramirez stopped Mr. Z [REDACTED] and required that Mr. Z [REDACTED] provide him with his identification, which certainly qualifies their interaction as a stop. However, also by his own account, PO Ramirez did not prepare a stop and frisk report. Therefore, PO Ramirez is in violation of the Patrol Guide and it is recommended that **other misconduct** be noted.

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Team: 4

Investigator: \_\_\_\_\_  
Signature Print Date

Supervisor: \_\_\_\_\_  
Title/Signature Print Date

Reviewer: \_\_\_\_\_  
Title/Signature Print Date

Reviewer: \_\_\_\_\_  
Title/Signature Print Date